

5-6385  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CV 00493

MAERSK LINE

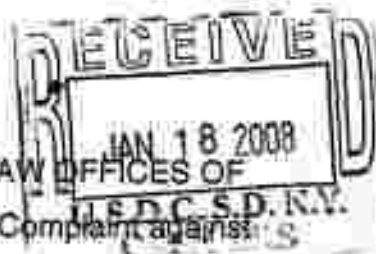
Plaintiff

- against -

CIVIL COMPLAINT  
IN ADMIRALTY

ADMIRAL OVERSEAS SHIPPING  
CO., INC.,

Defendant



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against  
defendant ADMIRAL OVERSEAS SHIPPING CO., INC., in personam, in a  
cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.
2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.
5. Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$180,333.33, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$180,333.33 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.


Dated: New York, New York

January 32, 2007

107

LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES

By

  
Albert J. Avallone - AA1679  
Attorneys for Plaintiff  
MAERSK LINE  
551 Fifth Avenue, Suite 1625  
New York, NY 10176  
(212) 696-1760

## I. Defendant's status &amp; address:

A. Upon information and belief and at all times hereinafter mentioned, defendant ADMIRAL OVERSEAS SHIPPING CO., INC. was and still is a corporation organized and existing under the laws of the State of North Carolina, with offices and a place of business at 323 S. Swing St., Greensboro, NC 27409.

## II. Details of shipment(s):

1. Bill of Lading No. 528761537, dated March 30, 2007, from Shanghai to Salt Lake City on the Vessel SL CHARGER, one (1) forty-foot Hi-Cube at the applicable tariff and/or Service Contract rate of \$3,286.00 (Exhibit A).

Amount Paid: \$0

Amount Due: \$3,286.00

2. Bill of Lading No. 521766310, dated April 12, 2007, from Ho Chi Minh, Vietnam to Tacoma on the Vessel MEKONG CAYENNE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,141.00 (Exhibit B).

Amount Paid: \$0

Amount Due: \$2,141.00

3. Bill of Lading No. 512416135, dated April 17, 2007, from Jakarta to Miami on the Vessel SL CHAMPION, one (1) forty-foot Hi-Cube at the applicable tariff and/or Service Contract rate of \$2,835.11 (Exhibit C).

Amount Paid: \$0

Amount Due: \$2,835.11

4. Bill of Lading No. 523134158, dated May 18, 2007, from Ho Chi Minh City to Memphis via Tacoma on the Vessel MEKONG CAYENNE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN SOFA CHAIR AND SOFA LEGS, at the applicable tariff and/or Service Contract rate of \$3,602.00 (Exhibit D).

Amount Paid: \$0

Amount Due: \$3,602.00

5. Bill of Lading No. 523135568, dated May 20, 2007, from Ho Chi Minh City to Tacoma on the Vessel CAPE FRANKLIN, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,141.00 (Exhibit E).

Amount Paid: \$0

Amount Due: \$2,141.00

6. Bill of Lading No. 854560340, dated June 8, 2007, from Yantian to Tacoma on the Vessel HAI LONG HAO, one (1) forty-foot Hi-Cube SAID TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or Service Contract rate of \$1,691.00 (Exhibit F).

Amount Paid: \$0

Amount Due: \$1,691.00

7. Bill of Lading No. 800318288, dated May 16, 2007, from Jakarta to Miami on the Vessel SAFMARINE ORANJE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: LOOM RATTAN CHAIRS, at the applicable tariff and/or Service Contract rate of \$3,393.12 (Exhibit G).

Amount Paid: \$0

Amount Due: \$3,393.12

Tacoma on the Vessel MAERSK DRISCOLL, one-half (1/2) of one forty-foot Hi-

Cube SAID TO CONTAIN: HOUSEHOLD UPHOLSTERY FURNITURE, at the

applicable tariff and/or Service Contract rate of \$895.00 (Exhibit H).

Amount Paid: \$0

Amount Due: \$895.00

9. Bill of Lading No. 528761749, dated June 13, 2007, from Shanghai to

Tacoma on the Vessel MAERSK DRISCOLL, one-half (1/2) of one forty-foot Hi-

Cube SAID TO CONTAIN: HOUSEHOLD UPHOLSTERY FURNITURE, at the

applicable tariff and/or Service Contract rate of \$895.00 (Exhibit I).

Amount Paid: \$0

Amount Due: \$895.00

10. Bill of Lading No. 800368132, dated June 12, 2007, from Ningbo to

San Antonio via Los Angeles on the Vessel SL LIGHTENING, one (1) forty-foot

Hi-Cube SAID TO CONTAIN: WIRE HANGERS & WOOD PACKAGING

MATERIALS, at the applicable tariff and/or Service Contract rate of \$3,611.00

(Exhibit J).

Amount Paid: \$0

Amount Due: \$3,611.00

11. Bill of Lading No. 854517898, dated June 6, 2007, from Yantian to

Norfolk on the Vessel GREENWICH MAERSK, one (1) forty-foot Hi-Cube SAID

TO CONTAIN: SPORTS PARTS, at the applicable tariff and/or Service Contract

rate of \$3,344.00 (Exhibit K).

Amount Paid: \$0

Amount Due: \$3,344.00

City to Memphis on the Vessels CAPE FLINT and MAERSK KLAIPEDA, one (1)

forty-foot Hi-Cube at the applicable tariff and/or Service Contract rate of \$3,966.00

(Exhibit L).

Amount Paid: \$0

Amount Due: \$3,966.00

13. Bill of Lading No. 854650376, dated June 16, 2007, from Qingdao to  
Memphis via Los Angeles on the Vessel MAERSK BENTONVILLE, one (1)

forty-foot Hi-Cube SAID TO CONTAIN: PLYWOOD, at the applicable tariff and/or

Service Contract rate of \$3,591.00 (Exhibit M).

Amount Paid: \$0

Amount Due: \$3,591.00

14. Bill of Lading No. 854576828, dated June 13, 2007, from Yantian to  
Norfolk on the Vessel MAERSK GARONNE, one (1) forty-foot Hi-Cube SAID TO

CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate of

\$3,038.00 (Exhibit N).

Amount Paid: \$0

Amount Due: \$3,038.00

15. Bill of Lading No. 800353140, dated May 21, 2007, from Surabaya to  
Miami on the Vessel EVER ALLY, one (1) twenty-foot container SAID TO

CONTAIN: FURNITURE AND HANDICRAFTS, at the applicable tariff and/or

Service Contract rate of \$2,555.72 (Exhibit O).

Amount Paid: \$0

Amount Due: \$2,555.22



16. Bill of Lading No. 570706614, dated June 29, 2007, from Ningbo to San Antonio via Los Angeles on the Vessel SL INTREPID, one (1) forty-foot Hi-Cube SAID TO CONTAIN: PAPER TUBES, at the applicable tariff and/or Service Contract rate of \$3,611.00 (Exhibit P).

Amount Paid: \$0

Amount Due: \$3,611.00

17. Bill of Lading No. 528761855, dated June 25, 2007, from Shanghai to Memphis via Los Angeles on the Vessel SL INTREPID, eight (8) forty-foot Hi-Cubes SAID TO CONTAIN: ULPHOLSTERY FURNITURE COVERS, et al., at the applicable tariff and/or Service Contract rate of \$28,920.00 (Exhibit Q).

Amount Paid: \$0

Amount Due: \$28,920.00

18. Bill of Lading No. 523345305, dated July 3, 2007, from Yantian to Phoenix via Los Angeles on the Vessel MAERSK KARACHI, one (1) forty-foot Hi-Cube SAID TO CONTAIN: FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,650.00 (Exhibit R).

Amount Paid: \$0

Amount Due: \$2,650.00

19. Bill of Lading No. 523345301, dated July 10, 2007, from Yantian to Los Angeles on the Vessel MAERSK KARACHI, two (2) forty-foot Hi-Cubes at the applicable tariff and/or Service Contract rate of \$6,782.00 (Exhibit S).

Amount Paid: \$0

Amount Due: \$6,782.00

20. Bill of Lading No. 800368135, dated June 15, 2007, from Ningbo to Miami on the Vessel EMMA MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, et al., at the applicable tariff and/or Service Contract rate of \$3,078.80 (Exhibit T).

Amount Paid: \$0

Amount Due: \$3,078.80

21. Bill of Lading No. 528761904, dated July 5, 2007, from Shanghai to Memphis via Los Angeles on the Vessel SL CHARGER, five (5) forty-foot Hi-Cubes SAID TO CONTAIN: UPHOLSTERY FURNITURE COVERS, et al., at the applicable tariff and/or Service Contract rate of \$18,075.00 (Exhibit U).

Amount Paid: \$0

Amount Due: \$18,075.00

22. Bill of Lading No. 570706434, dated June 14, 2007, from Ningbo to Newark on the Vessel EMMA MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service Contract rate of \$3,238.00 (Exhibit V).

Amount Paid: \$0

Amount Due: \$3,238.00

23. Bill of Lading No. 854716372, dated July 6, 2007, from Qingdao to Memphis via Los Angeles on the Vessel MAERSK BROOKLYN, one (1) forty-foot Hi-Cube SAID TO CONTAIN: PLYWOOD, at the applicable tariff and/or Service Contract rate of \$3,591.00 (Exhibit W).

Amount Paid: \$0

Amount Due: \$3,591.00



24. Bill of Lading No. 854740725, dated July 9, 2007, from Yantian to Los Angeles on the Vessel REGINA MAERSK, one (1) forty-foot Hi-Cubes SAID TO CONTAIN: FURNITURE, at the applicable tariff and/or Service Contract rate of \$1,640.00 (Exhibit X).

Amount Paid: \$0

Amount Due: \$1,640.00

25. Bill of Lading No. 570706427, dated June 14, 2007, from Ningbo to Norfolk on the Vessel EMMA MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit Y).

Amount Paid: \$0

Amount Due: \$3,038.00

26. Bill of Lading No. 800368134, dated June 13, 2007, from Ningbo to Norfolk on the Vessel KIRSTEN MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit Z).

Amount Paid: \$0

Amount Due: \$3,038.00

27. Bill of Lading No. 854613821, dated June 27, 2007, from Yantian to Norfolk on the Vessel AMERSK MANRAKI, one (1) forty-foot Hi-Cube SAID TO CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit 2A).

Amount paid: \$0

Amount Due: \$3,038.00

28. Bill of Lading No. 551689392, dated July 11, 2007, from Ningbo to San

Antonio via Los Angeles on the Vessel SL METEOR, one (1) forty-foot Hi-Cube

SAID TO CONTAIN: PAPER TUBES, at the applicable tariff and/or Service

Contract rate of \$3,836.00 (Exhibit 2B).

Amount Paid: \$0

Amount Due: \$3,836.00

29. Bill of Lading No. 854732177, dated July 11, 2007, from Qingdao to

Memphis via Los Angeles on the Vessel JERVIS BAY, one (1) forty-foot Hi-

Cube SAID TO CONTAIN: PLYWOOD, at the applicable tariff and/or Service

Contract rate of \$3,816.00 (Exhibit 2C).

Amount Paid: \$0

Amount Due: \$3,816.00

30. Bill of Lading No. 523427269, dated July 24, 2007, from Ho Chi Minh

City to Memphis via Los Angeles on the Vessel MEKONG CHAIYO, one (1)

forty-foot Hi-Cube SAID TO CONTAIN: WOODEN SOFA LEGS, at the

applicable tariff and/or Service Contract rate of \$4,016.00 (Exhibit 2D).

Amount Paid: \$0

Amount Due: \$4,016.00

31. Bill of Lading No. 854653822, dated June 26, 2007, from Yantian to

Norfolk on the Vessel MAERSK DARTFORD, one (1) twenty-foot container SAID

TO CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate

of \$2,139.00 (Exhibit 2E).

Amount Paid: \$0

Amount Due: \$2,139.00

32. Bill of Lading No. 854833617, dated July 23, 2007, from Yantian to Los Angeles on the Vessel KATRINE MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or Service Contract rate of \$1,675.00 (Exhibit 2F).

Amount Paid: \$0

Amount Due: \$1,675.00

33. Bill of Lading No. 800402014, dated July 9, 2007, from Ningbo to Charleston on the Vessel MAERSK SHEERNESS, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit 2G).

Amount Paid: \$0

Amount Due: \$3,038.00

34. Bill of Lading No. 80039965, dated August 29, 2007, from Surabaya to Charlotte, NC via Charleston, SC on the Vessel EVER ALLY, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$3,900.00 (Exhibit 2H).

Amount Paid: \$0

Amount Due: \$3,900.00

35. Bill of Lading No. 800402292, dated July 18, 2007, from Surabaya to Miami on the Vessel MEKONG SPIRIT, one (1) twenty-foot container SAID TO CONTAIN: RATTAN FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,665.74 (Exhibit 2I).

Amount Paid: \$0

Amount Due: \$2,665.74

Miami on the Vessel MAERSK DANBURY, one (1) forty-foot Hi-Cube SAID TO

CONTAIN: OFFICE CHAIRS, at the applicable tariff and/or Service Contract rate  
of \$3,087.84 (Exhibit 2J).

Amount Paid: \$0

Amount Due: \$3,087.84

37. Bill of Lading No. 523577756, dated July 27, 2007, from Hong Kong to

Charleston, SC on the Vessel MAERSK DANBURY, one (1) twenty-foot Hi-

Cube SAID TO CONTAIN: DIE CAST TOYS AND PACKAGING MATERIAL,

at the applicable tariff and/or Service Contract rate of \$2,289.00 (Exhibit 2K).

Amount Paid: \$0

Amount Due: \$2,289.00

38. Bill of Lading No. 854882376, dated August 2, 2007, from Yantian to

Norfolk on the Vessel MAERSK IOWA, one (1) twenty-foot Hi-Cube SAID TO

CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate of

\$2,289.00 (Exhibit 2L).

Amount Paid: \$0

Amount Due: \$2,289.00

39. Bill of Lading No. 855050926, dated August 23, 2007, from Yantian to

Los Angeles on the Vessel SOROE MAERSK, one (1) forty-foot HI-Cube SAID

TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or Service

Contract rate of \$1,675.00 (Exhibit 2M).

Amount Paid: \$0

Amount Due: \$1,675.00

Yantian to Los Angeles on the Vessel SINE MAERSK, one (1) forty-foot Hi-Cube

SAID TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or

Service Contract rate of \$1,675.00 (Exhibit 2N).

Amount Paid: \$0

Amount Due: \$1,675.00

41. Bill of Lading No. 570544001, dated October 8, 2007, from Shanghai to  
Oakland on the Vessel SL COMET, one (1) forty-foot Hi-Cube SAID TO

CONTAIN: HOUSEHOLD UPHOLSTERY FURNITURE, at the applicable tariff

and/or Service Contract rate of \$1,774.00 (Exhibit 2O).

Amount Paid: \$0

Amount Due: \$1,774.00

42. Bill of Lading No. 855302845, dated October 18, 2007, from Yantian to  
Los Angeles on the Vessel E.R. FELIXSTOWE, one (1) forty-foot Hi-Cube SAID

TO CONTAIN: WOODEN K.D. FURNITURE, at the applicable tariff and/or

Service Contract rate of \$1,640.00 (Exhibit 2P).

Amount Paid: \$0

Amount Due: \$1,640.00

43. Bill of Lading No. 855438246, dated November 6, 2007, from Yantian  
to Los Angeles on the Vessel SVENDBORG MAERSK, one (1) forty-foot Hi-

Cube SAID TO CONTAIN: K.D. WOODEN & METAL FURNITURE, at the

applicable tariff and/or Service Contract rate of \$1,675.00 (Exhibit 2Q).

Amount Paid: \$0

Amount Due: \$1,675.00

44. Bill of Lading No. 800547857, dated October 17, 2007, from Jakarta to Honolulu on the Vessel SEA NAVIGATOR, two (2) forty-foot Hi-Cubes SAID TO CONTAIN: OUTDOOR PUNEE LOVESEAT, at the applicable tariff and/or Service Contract rate of \$9,775.00 (Exhibit 2R).

Amount Paid: \$9,625.00

Amount Due: \$150.00

45. Bill of Lading No. 855675887, dated December 27, 2007, from Hong Kong to Cleveland via Los Angeles on the Vessel SVEND MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$4,021.00 (Exhibit 2S).

Amount Paid: \$0

Amount Due: \$4,021.00

46. Bill of Lading No. 570544378, dated January 3, 2008, from Shanghai to Los Angeles on the Vessel SL METEOR, one (1) forty-foot Hi-Cube SAID TO CONTAIN: CANVAS ART, at the applicable tariff and/or Service Contract rate of \$1,774.00 (Exhibit 2T).

Amount Paid: \$0

Amount Due: \$1,774.00

47. Bill of Lading No. 570544295, dated December 18, 2007, from Shanghai to Norfolk on the Vessel MAERSK DARTFORD, one (1) forty-foot Hi-Cube SAID TO CONTAIN: UPHOLSTERY RECLINER, at the applicable tariff and/or Service Contract rate of \$3,137.00 (Exhibit 2U).

Amount Paid: \$0

Amount Due: \$3,137.00



48. Bill of Lading No. 524590667, dated January 9, 2008, from Ho Chi Minh City to Los Angeles on the Vessel RIO LAWRENCE, one (1) forty-foot HI-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,100.00 (Exhibit 2V).

Amount Paid: \$0

**Amount Due: \$2,100.00**

49. Bill of Lading No. 855693563, dated December 28, 2007, from Hong Kong to Norfolk on the Vessel MAERSK MATANE, one (1) twenty-foot Hi-Cube SAID TO CONTAIN: KD FURNITURE IN WOOD/METAL, at the applicable tariff and/or Service Contract rate of \$2,139.00 (Exhibit 2W).

Amount Paid: \$0

Amount Due: \$2,139.00

50. Bill of Lading No. 570544321, dated December 20, 2007, from Shanghai to Norfolk on the Vessel MAERSK MATANE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: UPHOLSTERY OTTOMANS, et al., at the applicable tariff and/or Service Contract rate of \$3,137.00 (Exhibit 2X).

Amount Paid: \$0

Amount Due: \$3,137.00

III. **Total Amount Due: \$180,333.33**